

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 9109 of 1995

PLASTIC PRODUCTS ENGINEERING CO.,

Versus

URBAND LAND TRIBUNAL & SECRETARY,

Appearance:

MR MIHIR H JOSHI for Petitioner

MR MUKESH PATEL AGP for Respondent No. 1, 2

CORAM : MR.JUSTICE Y.B.BHATT

Date of decision: 09/08/1999

ORAL JUDGEMENT

1. This petition arises from orders passed under the provisions of the Urban Land (Ceiling & Regulation) Act, 1976.

2. It is common ground on both sides that the State of Gujarat adopted the Urban Land (Ceiling & Regulation) Repeal Act, 1999 on 30th March, 1999.

3. It is also common ground on both sides that by virtue of section 4 of the Repeal Act, all proceedings pending on the said date shall abate.

4. It is so found and accordingly held, and the present petition is disposed off accordingly.

5. Learned AGP states on instructions that the State of Gujarat will abide by the Circular issued by the State Government in the Revenue Department No. ULC/1099-602/V1 dated 15th April, 1999.

6. Rule is accordingly discharged with no order as to costs. Interim relief, if any, stands vacated.

7. It merely requires to be observed on the basis of the record of the present petition, that the impugned

order passed in appeal under section 33 of the Act directs the Competent Authority to issue a final statement under section 9 of the Act of 1976. Obviously, that was not the stage the respondents could have sought to take possession of the lands in question when the order was passed on 30th May, 1995. Thereafter, by interim order passed on 20th October, 1995 in the present petition, and confirmed thereafter, both the parties were directed to maintain status quo with respect to the subject matter of the petition. Obviously therefore, it would appear that the petitioners are in possession of the lands in question. It is clarified that this is a mere observation on the basis of the present record, and is not a finding fact recorded on any factual controversy between the parties.

(Y.B. BHATT, J.)

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